

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DEVONTAY AYCOCK,

V.

Petitioner,

Case No. 3:23-cv-00088-RCJ-CSD

## ORDER

STATE OF NEVADA, et al.,

## Respondents.

Petitioner, a Nevada prisoner, has submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Petitioner has not paid the filing fee (\$5.00) or filed an application to proceed *in forma pauperis*. Because this matter has not been properly commenced, it will be dismissed without prejudice to bringing a new action.

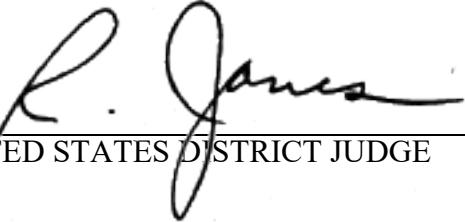
Under 28 U.S.C. § 1915(a)(2) and the court's Local Rules (LSR 1-1, 1-2), a habeas petitioner unable to pay the filing fee must file an application for leave to proceed *in forma pauperis* on the form provided by the court with both an inmate account statement for the past six months and a properly executed financial certificate.

IT IS THEREFORE ORDERED that this action is dismissed without prejudice to the filing of a petition in a new action with either the \$5.00 filing fee or a properly completed application form to proceed *in forma pauperis*. The Clerk shall enter judgment accordingly and close this case.

1 IT IS FURTHER ORDERED that a certificate of appealability is denied as jurists of  
2 reason would not find the court's dismissal of this improperly commenced action without  
3 prejudice to be debatable or incorrect.

4 IT IS FURTHER ORDERED that the Clerk shall send petitioner two copies each of an  
5 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital section  
6 2254 habeas petition form, one copy of the instructions for each form, and a copy of the papers  
7 that he submitted in this action.

8 DATED THIS 13th day of March 2023.

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11 UNITED STATES DISTRICT JUDGE  
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